D. ISSUANCE OF AWARDS; PRORATING AWARDS

If the DNR determines that the well is contaminated and the claimant has met all requirements of the compensation program, the DNR is required to issue an award for the following purposes:

1. Testing the well.
2. Obtaining an alternate water supply (i.e., bottled water) for up to a one-year period.
3. If the contamination is expected to continue for more than one year:

a. Reconstructing the well or constructing a new well, or connecting the premises to a private or public water supply.

D. Purchasing a new pump, if a larger pump is necessary due to the greater depth of a new or reconstructed well,

c. Abandoning the contaminated well.

d. Purchasing water treatment equipment as a last resort, if reconstruction or replacement of the well will not remedy the contamination, and connection to another water supply is not feasible.

Awards are issued on a no-fault basis. Contributory negligence of the claimant is not a bar to recovery.

The DNR is required to aggregate claims made between January 1, 1985 and June 30, 1985 and issue all awards after June 30, 1985. The DNR will prorate payments based on the amount of funds available for compensation, with a maximum state share of 80% of the eligible costs. The DNR will adjust the percentage of the state share in order to prorate the claims. A ceiling of $12,000 is placed on the amount of eligible costs per claim.

The claimant is required to make a copayment equal to the remainder of the eligible costs which are not paid by the DNR, with a minimum copayment of $250.

E. LIMITS ON AWARDS

The following limits apply to awards under the compensation program:

1. All awards are based on the "usual and customary costs'* of the remedial work, as determined by rule by the DNR.
2. If a livestock well is contaminated only by nitrates, an award is available only if the well produces water containing nitrates in excess of 40 parts per million expressed as nitrate-nitrogen.
3. If an award is made for reconstruction or replacement of a well, the well must be constructed by a well driller licensed under ch. 162, Stats.
4. If the Secretary of the DNR determines that a remedial response to groundwater contamination by a regulatory agency can be expected to remedy the contamination in a well in less than two years, the Secretary may delay awards for water treatment, well reconstruction, well replacement or connec-